

UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE

COLLEEN HILLS,	)	
	)	
Plaintiff,	)	C.A. No. 05-172 (JJF)
	)	
v.	)	JURY OF 12 DEMANDED
	)	
LORENZO ROMERO-SANCHEZ,	)	
LINDA PULLMAN, and	)	
BJORN HAGLID,	)	

DEFENDANT SANCHEZ' MOTION TO DISMISS

Pursuant to F.R.C.P. 4, defendant Lorenzo Romero Sanchez moves this Court for an order dismissing all claims against him on the grounds that plaintiff has failed to serve him with process. In support of his motion, Mr. Sanchez offers the following:

1. Plaintiff alleges that, on March 23, 2003, she was a passenger in a motor vehicle operated by defendant Bjorn Haglid, and she suffered injuries as a result of a collision between vehicles operated by defendants Sanchez and Haglid. Plaintiff further alleges that defendant Linda Pullman negligently entrusted her vehicle to Mr. Sanchez.

2. Plaintiff commenced this personal injury action on or about March 21, 2005. On or about July 1, 2005, Ms. Pullman filed an answer to the complaint.

3. To date, Mr. Sanchez has not been served with the complaint. Plaintiff purportedly served Mr. Sanchez by sending process to Ms. Pullman's home, but that was not and is not his place of residence. Furthermore, Ms. Pullman had no actual or apparent authority to accept service on behalf of Mr. Sanchez.

4. Defense counsel has conferred with plaintiff's counsel on several occasions and raised the fact that service as to Mr. Sanchez was defective. To date, however, plaintiff has

taken no steps under F.R.C.P. 4 to either attempt to properly serve Mr. Sanchez, or to seek leave of Court for an extension of the time for service.

5. Therefore, as the complaint was filed more than one year ago, and as the time for correcting defects in service has expired, defendant Sanchez respectfully moves the Court for entry of an order dismissing all claims against him.

LAW OFFICES OF ALLAN WENDELBURG

/s/ Steven F. Mones  
Steven F. Mones (Del. Bar No. 2611)  
Christiana Executive Campus  
131 Continental Drive, Suite 407  
Newark, DE 19713  
T: 302-292-6660  
F: 302-292-6668  
Email: moness@nationwide.com

March 31, 2006

CERTIFICATE OF SERVICE

I certify that, on this date, a copy of defendant Sanchez' motion to dismiss was served, electronically and by mail, on the following individuals:

Timothy Rafferty, Esquire  
P.O. Box 609  
Hockessin, DE 19707

Thomas F. Sacchetta, Esquire  
Sacchetta & Baldino  
308 East Second Street  
Media, PA 19063

Nicholas E. Skiles  
Swartz Campbell LLC  
300 Delaware Avenue, Suite 1130  
P.O. Box 330  
Wilmington, DE 19899

/s/ Steven F. Mones  
Steven F. Mones (Del. Bar No. 2611)

March 31, 2006